1. Who owns copyright? Discuss the implications of copyright ownership for software development. Is it ethically just? Supplement your discussion with reference to a documented case.

<http://www.ipwatchdog.com/2010/06/29/who-owns-software-copyrights/id=11452/>

<https://www.cram.com/essay/moral-and-ethical-issues-behind-software-copyright/FKCVNA3K5C>

The author of the work is usually the first owner of copyright. When a work is commissioned or created in the course of employment, then the commissioner or employer may own the copyright, depending on the terms of the contract. A misunderstanding of owning copyright, is that the owner of the software automatically owns the copyright to the work. Copyright remains with the initial author even before it is sold. The only way to transfer copyright ownership is in writing. The estate of the author will control the copyright for 70 years after the author’s death, unless other arrangements have been made during the author’s lifetime. It is possible to have joint copyright owners then software is created in collaboration and the contributions are not distinct.

Copyright ownership for software development frequently presents significant problems when individuals and companies assume they know who the author is and under what circumstances commissioning a work results in copyright ownership vesting in someone other than the author. Regularly companies enter into SD deals with independent contractors without fully addressing copyright ownership. Many times it is assumed by the programmer that the copyright, including the right to modify, remains with her/him. From the company side it is assumed that when someone is paid to create copyrighted material that flows from the original creation those copyrights will be owned by the commissioning party. Neither of these assumptions are true which leads to disputes and unnecessary expenses arise.

Changing trends raise the awareness of the ethical and moral issues behind the current copyright and patent law framework. If there is no commercial value then there is no lawsuit.

1. Discuss, using examples, 4 legal rights of copyright owners. How is it protected?